

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL MARSH,
Plaintiff,

v.

**SUPERINTENDENT CYNTHIA
LINK, et al.,**
Defendants.

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CIVIL ACTION NO. 18-CV-3576

ORDER

AND NOW, this 14th day of September 2018, upon consideration of Plaintiff Daniel Marsh's Motions for Leave to Proceed *In Forma Pauperis* (ECF Nos. 4, 5), his Prisoner Trust Fund Account Statement (ECF No. 6), and his *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. Marsh, #AY-8586, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Marsh, an initial partial filing fee of \$6.75 is assessed. The Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Marsh may be incarcerated is directed to deduct \$6.75 from Marsh's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3576. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Marsh may be incarcerated, shall deduct from Marsh's account, each time that his inmate

trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-3576.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Marsh is given leave to file an amended complaint that complies with the Court's Memorandum no later than **October 16, 2018**. The amended complaint must describe how and when Defendants violated Plaintiff's constitutional rights, and should not rely on or refer back to the initial Complaint to state a claim. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

6. The Clerk of Court is **DIRECTED** to provide Marsh a blank form complaint to be used by a prisoner filing a civil rights act. The Clerk of Court shall write the civil action number of this case on the form. Marsh may use this form to file an amended complaint if he chooses to do so.

7. If Marsh fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.